

## **REMARKS**

## **DRAWINGS**

As indicated in response to the previous Office Action, applicants will file formal drawings correcting the noted deficiencies in a timely fashion following receipt of Notice of Allowability.

## **SPECIFICATION**

The Title has again been amended to assure that the claimed invention is indicated by the title. Pursuant to 37 CFR 1.72, Title and Abstract (a), "the title of the invention, which should be as short and specific as possible, should appear as a heading . . . ." Applicants believe that the title as amended complies with the rule. Applicants do not believe that the title suggested by the Examiner conforms to the requirements of brevity of the rule. The undersigned does not believe that the proposed nineteen word title conveys significantly more information than applicants' seven word title so as to justify deviance from the rules' requirement for brevity. The Examiner has the authority to amend the title in any event.

### **Claim rejections - 35 U.S.C., Section 103**

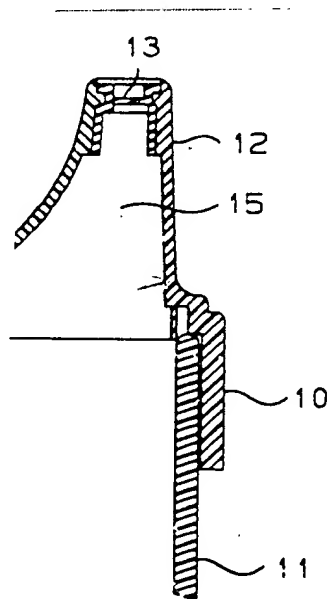
The Examiner has rejected claims 1-3 under 35 U.S.C., Section 103(a), as unpatentable over Freeman in view of Meyers. Of the claims rejected, only claims 1 and 2 are independent claims. Claims 1 and 2, prior to this amendment, both addressed an "annular clamp . . . . adapted to . . . . grip inner and outer walls of the lip of the cup . . ." In other words, both the inside and the outside of the lip of the cup are gripped by the clamp. In the present amendment, this language has been revised to clarify the clamp as "having inner and outer lips." Furthermore, the inner and outer lips grip the inner and outer

walls of the lip of the cup inserted "therebetween."

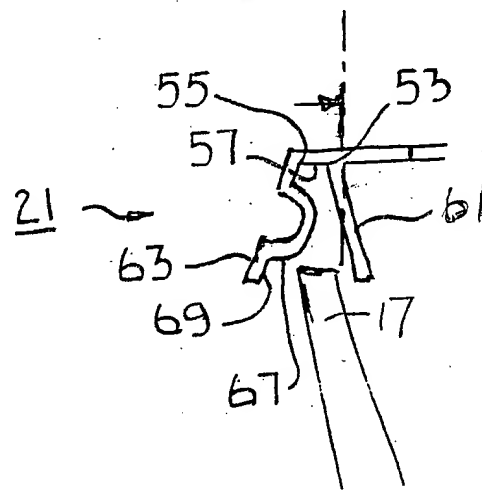
The Examiner notes in paragraph 8 of the present Office Action that "the claim limitation of 'adapted to' does not require that the function actually occurs, merely that the structure is capable of performing the said function." The present amendment does not change the content of the claims in terms of the structural configuration of applicants' lid. However, the words "adapted to" are no longer applied to the lips 61 and 63.

Freeman is not capable of performing the same function.

Pertinent portions of Freeman's Figure 2 and applicant's Figure 3 are shown in juxtaposition below.



*Freeman Fig. 2*



*Applicant's Fig 3*

Freeman's closure 10 contacts the outer wall of the lip of the cup. Freeman has no structure whatsoever that contacts the inner wall of the lip of the cup 11. On the other hand, Applicants' lid has an inner lip 61 and an outer lip 63 and the lip of the cup 17 is gripped between the lips 61 and 63 of the lid. Freeman has no structural equivalent for applicants' inner lip 61. Freeman is not capable of performing the same function as is performed by applicants' lid lips 61 and 63.

Applicants' structure grips the lip of the cup on both sides of the lip of the cup along the entire circumference of the lip of the cup. Thus, applicants' lid grips the cup at every point along the perimeter of the cup by contact on both the inner and outer walls of the circumference. Freeman contacts only the outer perimeter of the cup and the force applied to one side of the cup by the lid exists only because the force is applied on the diametrically opposite side of the cup. Thus, if the cup associated with Freeman's lid is squeezed to inwardly distort the diameter of the lip, the lid disengages from the cup because the opposing forces no longer exist.

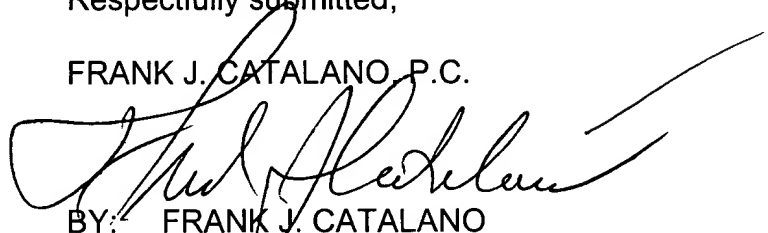
Therefore, applicants respectfully submit that, as a result of this amendment, it should be clear that the function "actually occurs" and that the occurring function cannot be satisfied by Freeman.

Applicants therefore respectfully submit that the invention of claims 1, 2 and 3 is not rendered unpatentable by the cited references and allowance of these claims is respectfully requested.

The Commissioner is authorized to charge any additional costs or credit any overpayments to the deposit account of the undersigned, No. 03-1127.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Frank J. Catalano', is written over the printed name and extends to the right.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

IN THE TITLE:

SMOOTH SPOUTED DISPOSABLE LID FOR A CUP

IN THE CLAIMS:

RECEIVED  
AUG 20 2001  
TC 3700 MAIL ROOM

1           1.     (Thrice Amended) A disposable lid for a cup comprising an annular clamp  
2 adapted to be seated on a rim of the cup [and] , said clamp having inner and outer lips to  
3 grip inner and outer walls of a lip of the cup inserted [therein] therebetween and a spout  
4 extending upwardly from a top of said clamp to a discharge port at an apex thereof, an  
5 inner wall of said clamp and an inner wall of said spout converging smoothly to said  
6 discharge port, said spout being entirely above said clamp.

1           2.     (Twice Amended) A disposable lid for a cup comprising an annular clamp  
2 adapted to be seated on a rim of the cup , said clamp having inner and outer lips [and] to  
3 grip inner and outer walls of a lip of the cup inserted [therein] therebetween and a  
4 frustoconical spout extending upwardly from said rim to a discharge port at an apex  
5 thereof, said spout having a truncation in the shape of a horizontal plane tangent to a  
6 bottom wall of a horizontal cylinder and a base inside diameter equal to a top inside  
7 diameter of said clamp wherein an inner wall of said clamp and an inner wall of said spout  
8 converge smoothly to said discharge port.